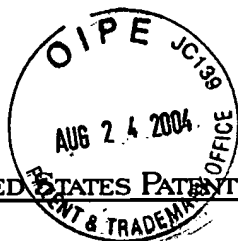


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/762,325	01/23/2004	Robert Arthur Giddings	RD-27,791

CONFIRMATION NO. 4964

## FORMALITIES LETTER



\*OC000000013436035\*

Philip D. Freedman  
 Philip D. Freedman PC  
 P.O. Box 19076  
 Alexandria, VA 22320

Date Mailed: 08/04/2004

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 2,3 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of

R. A. GIDDINGS et al.

Group Art Unit: 3729

Application No.: 10/762,325

Examiner:

Filed: January 23, 2004

For: QUARTZ FUSION FURNACE AND METHOD FOR FORMING QUARTZ ARTICLES

**RESPONSE TO NOTICE OF OMITTED ITEM AND PETITION TO REFUND  
THE 37 CFR §1.17(H) FEE**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to NOTICE OF OMITTED ITEM IN A NONPROVISIONAL APPLICATION, (copy attached) mailed on August 4, 2004, Applicants petition to be accorded the January 23, 2004 filing date of the original papers in this case and request refund of the \$130 petition fee transmitted with this RESPONSE for the following reasons:

1. The August 4, 2004 NOTICE OF OMITTED ITEM IN A NONPROVISIONAL APPLICATION states that sheet 2 of the drawings of the above application, including FIGs. 2,3 appears to have been omitted from the application.

2. Submitted herewith is sheet 2 of the drawings of the above application, including FIGs. 2,3 described in the specification.

3. Attached is the undersign's check in the amount of the 37 CFR §1.17(h) fee (\$130). Please charge any deficiency to Deposit Account No. 500917. Two duplicate copies of this paper are attached.

4 Applicants contend that the purported omitted sheet 2 of the drawings of the above application, including FIGs. 2,3 was in fact deposited with the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers.

5. Filing of the purported omitted sheet 2 of the drawings of the above application. including FIGs. 2,3 with the January 23, 2004 filing papers is evidenced by:

(1) the remaining contents of the undersign's file copy includes only documents consistent with the January 23, 2004 filing of sheet 2 of the drawings of the above application. including FIGs. 2,3;

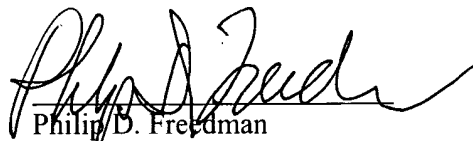
(2) the undersign personally filed the January 23, 2004 documents and the undersign's usual course of action includes a personal review of documents immediately prior to filing to assure that all documents, including in this case, sheet 2 of the drawings of the above application. including FIGs. 2,3, are present; and

(3) the receipted postcard (copy attached) received by the undersign from the PTO simultaneous with the January 23, 2004 filing evidences the filing of two sheets of drawings (sheet 1 with FIG. 1 and sheet 2 with FIGs. 2,3).

6. Applicants hereby request refund of the \$ 130 37 CFR §1.17(h) fee because the original January 23, 2004 filing papers included the purported missing sheet 2 of the drawings of the above application. including FIGs. 2,3 described in the specification.

7. Entry of these documents should complete all of the filing formalities and fully satisfy all requirements of the NOTICE TO FILE OMITTED ITEMS OF NONPROVISIONAL APPLICATION. Accordingly, examination and allowance of this application in due course and refund of the \$130 petition fee transmitted with this RESPONSE are respectfully requested

Respectfully submitted,



Philip D. Freedman  
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Philip D. Freedman PC  
CUSTOMER NUMBER 25101  
P.O. Box 19076  
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703-313-0171  
tekesq@tekesq.com

Alexandria, Virginia  
24 AUG, 2004

Attachments:

Two copies of this document  
Sheet 2 of the drawings of the above application. including FIGs. 2,3  
Receipted Post Card copy  
Check  
Notice of Omitted Item in a Nonprovisional Application copy



Applicant: **GIDDINGS et al.**  
Serial No.: New (divisional of 09/636,286)  
Docket: RD-2779-31 (GENE0157A)  
Filed: herewith  
Atty: Philip D. Freedman, 24,163  
For: **QUARTZ FUSION FURNACE  
AND METHOD FOR FORMING QUARTZ  
ARTICLES**

When receipt stamp is placed hereon, the USPTO  
acknowledges receipt of the following documents:

(1) DIVISIONAL APPLICATION TRANSMITTAL  
FORM (with two copies); (2) Specification (12 pages); (3) ...  
Drawings (two sheets); (4) Declaration copy; (5)  
Assignment Copy; (6) Power of Attorney copy; (7)  
Preliminary Amendment; (8) Information Disclosure  
Statement; (9) Two PTO Forms-892; and (10) Credit Card  
Payment Form



**PLEASE DATE STAMP AND RETURN.**